

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re:

RONALD BIFANI,

Case No. 8:12-bk-00562-CED

Debtor.

SHARI S. JANSEN

Chapter 7

Plaintiff,

v.

Adv. Pro. No. 8:12-00288-CED

ARLENE M. LAMARCA,

Defendant.

MOTION TO QUASH NOTICE OF DEPOSITION
DUCES TECUM

COMES NOW, ARLENE M. LAMARCA, by and through the undersigned attorney, moves this Honorable Court for an order quashing the Notice of Deposition Duces Tecum (Doc. No. 4) filed in this cause and states as grounds the following:

1. On April 11, 2012 this adversary proceeding was filed by the trustee, Shari Streit Jansen against Arlene M. LaMarca. A summons was issued on April 11, 2012. Thereafter, the summons was served by regular first class United States mail upon the defendant Arlene M. LaMarca.
2. The matter is not yet at issue.
3. Neither a status conference or a scheduling conference has been held pursuant to Fed.R. Bank.R.7026 and Local Rule 7026-1.
4. No discovery plan has been filed or agreed to.

5. Accordingly, the Notice of Deposition Duces Tecum is premature and untimely.

WHEREFORE, the defendant requests that the Notice of Deposition Duces Tecum be quashed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Motion to Quash Notice of Deposition Duces Tecum has been served electronically or by first class United States mail to United States Trustee, 501 E. Polk Street, Ste. 1200, Tampa, FL 33602; Lori V. Vaughan, Trenam Kemker, et. al. P.A., Attorney for Chapter 7 Trustee, 101 E. Kennedy Boulevard, Suite 2700, Bank of American Plaza, Tampa, FL 33602; Trustee, Shari Streit Jansen, P. O. Box 50667, Sarasota, FL 34232 and Debtor, Ronald Bifani, 101 Garden Lane, Sarasota, FL 34242 this 22nd day of May, 2012.



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